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Hon. Judge Kolar Kottely
Antitrust Division
U.S. Department of Justice
601 D Street, N.W., Suite 1200
Washington, D.C. 20530
Attention: Renata Hesse

Dear Hon. Judge Kolar Kottely:

I am the President of Digital Data Resources in Des Moines, Iowa. I have been involved in the technology industry for several years, and it is my hope that the Microsoft case will be settled.

The fiscal outlook for 2002 is grim. From coast to coast, revenue growth has slowed, spending is exceeding budgeted levels, and many states are looking at large budget cuts. After September 11, we saw a plunge in the technology sector. Instead of being tied up in court, technology entrepreneurs should at work developing products and charting new territory with never before imagined products and services.

Giants like Apple, IBM, and Microsoft provide the stable atmosphere for the myriad small firms to create, develop, and release new cutting-edge technologies. The small companies work in concert, and competition at times, with these giants. This mutually dependent relationship is the lifeblood of the industry.

Over the past 20 years, we have seen computers go from the size of a refrigerator to the size of a deck of cards. And in tandem with those leaps forward, we have seen declining prices, better and faster technology, and increasingly more efficient methods of delivery to consumers.

It takes a competitive spirit to survive in this exceptionally aggressive industry of ours, especially in the case of small or emerging businesses. We spend our days watching competitors, finding markets, and keeping a watchful eye on the economy. And it seemed the storm has passed, both figuratively and in the eyes of the stock market, when a settlement was announced last year.

But the states which remain involved have argued for tougher enforcement provisions, including a court-appointed "special master" to oversee Microsoft's compliance. And we have found through experience that there is no remedy discrete to Microsoft when it's the nucleus of a tech sector that operates as its own economy.

The states, including my own state of Iowa, are not right to push ahead for further prosecution of Microsoft. The proposed settlement goes the distance in addressing the concerns of business people like me who are in the technology industry.

The time to take a hard line is over. The hold-out states are holding out to the detriment of their state economies and our national economy at a time when actions like this are not at all useful.

It is a frightening prospect to see another dollar of precious development resources diverted to paying attorneys' fees instead of rippling through our industry. Money that could have launched a new product or created new opportunities for a small business on the brink instead has disappeared into the abyss of this lawsuit. The settlement is a positive step in putting it all behind us and opening a new chapter in the life of the technology industry.

I applaud Assistant Attorney General Charles James for his role in bringing the case this far. The settlement agreement is a strong one. It will have an enormous impact on the future of the entire software industry.

Sincerely,



Mark Havlicek
President
DIGITAL DATA RESOURCES, INC.
Des Moines, Iowa